

**A PROPOSED ORDINANCE ON REGULATION OF DOGS AND OTHER ANIMALS
IN THE TOWN OF LEBANON**

1. Purpose

The purpose of this ordinance is to regulate the keeping of dogs and prohibit the roaming of dogs and other large animals in the streets and public places of the Town of Lebanon and to prevent cruelty to dogs and other animals, pursuant to C.G.S. Section 7-148(c)(7)(D)(i) and (ii), and to prescribe penalties and enforcement procedures for violation of local and state regulations pertaining to dogs and other animals as set forth in C.G.S. Chapter 435, as amended, C.G.S. Secs. 7-152c and 7-148(c) (10) and this ordinance.

2. Prohibited acts.

It shall be a violation of this article for any owner or keeper of a dog:

A. To allow such dog to roam at large upon the land of another and not under control of the owner or keeper or the agent of the owner or keeper, or to allow such dog to roam at large on any portion of any public highway and not attended by and under control of such owner or keeper or his agent; the unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway, when such dog is not attended by and under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this article.

B. To obstruct or attempt to obstruct the canine control officer engaged in the discharge of such person's duties.

C. To perpetrate any act of cruelty upon any dog or other animal.

D. Not to have a tag on a collar around the neck or on a harness on the body of such dog.

E. Not to have complied with any order or regulation relating to rabies applicable to such dog.

F. To abandon or neglect or cruelly treat any such dog.

G. Not to have such dog licensed in the Town Clerk's office as required by state law.

H. To allow such dog to inflict damage or harm to human beings, domestic animals or property.

I. To allow such dog to go on a highway and growl, snap, bite or otherwise annoy any person or domestic animal lawfully using such highway or chase or interfere with any motor vehicle so using such highway.

J. To permit such dog to become a nuisance by reason of vicious disposition or excessive barking or any other disturbance or by permitting such barking or other disturbance when such is a source of annoyance to any person residing in the immediate vicinity.

K. To crop or cut or cause to be cropped or cut off the whole or any part of the ear of a dog unless such person is a registered veterinarian surgeon.

L. Not to clean up or dispose of immediately any feces or other waste matter discharged by a dog on public property, including highways and sidewalks, or on any private property not owned or controlled by the owner, agent or keeper of the dog.

3. Violations and penalties.

Any person violating any of the above provisions shall be fined not less than \$25 nor more than \$100. Under no circumstance may a fine imposed under this Ordinance exceed the fine which might be imposed under state law for the same conduct. The Town canine control officer shall issue citations for violations of any provisions set forth above. All moneys received shall be remitted to the Finance Office of the Town of Lebanon.

4. Hearing procedure for citations.

A. The Board of Selectmen shall appoint the Chairman of the Board of Regional Animal Control District as the citation hearing officer to conduct the hearings authorized by this section. The Board of Selectmen shall appoint the Vice-Chairman of the Board of Regional Animal Control District as the alternate citation hearing officer in the event of the unavailability of the citation hearing officer to conduct the hearing.

B. Within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under this article, the Town shall send notice to the owner or keeper of the dog. Such notice shall inform said owner or keeper of the following:

(1) The allegations against said owner or keeper and the amount of the fines, penalties, costs or fees due.

(2) That said owner or keeper may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date of the notice.

(3) That if the owner or keeper does not demand such a hearing, an assessment and judgment shall be entered against said person.

(4) That such judgment may issue without further notice.

C. If the owner or keeper who is sent notice pursuant to Subsection B above wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to an official designated by the Town. Any owner or keeper who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided in Subsection B above shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth below.

D. Any owner or keeper who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of the notice, provided that the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Town official shall be filed and retained by the Town. The presence of the issuing official shall be required at the hearing if such owner or keeper so requests. An owner or keeper wishing to contest his/her liability shall

appear at the hearing and may present evidence in his/her behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If such owner or keeper fails to appear, the hearing officer may enter an assessment by default against him/her upon a finding of proper notice and liability. The hearing officer may accept from such owner or keeper copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the owner or keeper is not liable, the hearing officer shall dismiss the matter and enter his determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such owner or, keeper as provided by this article and applicable law.

E. If any assessment entered by the hearing officer is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the New London judicial district, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, multiple assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the Superior Court shall enter judgment in the amount of such record of assessment and court costs of \$8 against such person in favor of the Town. The hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to such person.

F. The owner or keeper against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry for a small claims case pursuant to C.G.S. Section 52-259 in the Superior Court for the geographical area in which the Town is located, which shall entitle said owner or keeper to a hearing in accordance with the rules of the judges of the superior court.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

This Ordinance shall take effect fifteen (15) days after publication in accordance with Connecticut General Statutes.